

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

COOPERVISION, INC.,

Plaintiff,

v.

C. A. No. 06-239 (SLR)

CIBA VISION CORP.,

Defendant.

**OBJECTION BY THIRD-PARTY COMMONWEALTH SCIENTIFIC AND
INDUSTRIAL RESEARCH ORGANIZATION TO PRODUCTION OF DOCUMENTS IN
RELATED LITIGATION**

Pursuant to the Court's Order dated July 25, 2007, Commonwealth Scientific and Industrial Research Organization ("CSIRO") files the following objections to the production of documents from related litigation that are in the possession of CIBA Vision Corporation ("CIBA").

In the Court's Order of July 25, 2007, the Court required Defendant CIBA Vision Corporation ("CIBA") to "produce for inspection and copying by Plaintiff CooperVision, Inc. ("CooperVision") all documents in CIBA's possession that have been produced, served, or filed in all previous legal proceedings involving the Nicolson patent family" The Order further provides that if "any third party files an objection with this Court to the production of its confidential information within 21 days of the entry of this Order, CIBA need not produce documents containing that third party's confidential information for inspection and copying until the Court has ruled on that objection."

Third-party, CSIRO, Australia's national science agency understands from CIBA that CIBA's production would include documents produced by CSIRO subject to a Protective Order

in the now-settled related litigation *CIBA Vision Corporation and Commonwealth Scientific Industrial Research Organization v. Bausch & Lomb, Inc.*, Civil Action No. 2:99-0034-RWS (ND Ga.). CSIRO has not yet had an opportunity to review those documents and, more particularly, to consider the terms of any Protective Order in this matter governing the use of any documents to be produced by CIBA in the present litigation. CSIRO objects to the production in the present litigation of its documents, as well as any documents produced in the previous litigation by the University of New South Wales.

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Dated: August 15, 2007



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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2007, I caused to be served by hand delivery the foregoing document(s) and electronically filed the same with the Clerk of Court using CM/ECF which will send notification of such filing(s) to the following

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I hereby certify that on August 15, 2007 I caused to be sent the foregoing document by First Class Mail to the following non-registered participants:

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A handwritten signature in black ink, appearing to read 'S. J. Fineman', is written over a horizontal line.

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